

1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF WASHINGTON  
3 AT SEATTLE  
4

5 UNITED STATES OF AMERICA, ) NO. CR12-001 RSL  
6 )  
7 Plaintiff, )  
8 )  
9 vs. ) April 27, 2012  
10 ) Seattle, Washington  
11 TIMOTHY DORAN, ) 2:00 p.m.  
12 )  
13 Defendant. )

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TRANSCRIPT OF STATUS CONFERENCE PROCEEDINGS  
BEFORE THE HONORABLE ROBERT S. LASNIK  
UNITED STATES DISTRICT COURT JUDGE

For the Plaintiff: MR.ANDREW FRIEDMAN  
Assistant United States Attorney  
700 Stewart Street, Ste 5220  
Seattle, Washington 98101

For the Defendant: MR.ROBERT W. GOLDSMITH  
Attorney at Law  
705 Second Avenue  
Seattle, Washington 98104

Court Reporter: Leslie A. Waltzer, CSR  
3641 North Pearl Street  
Tacoma, WA 98407

(Proceedings recorded by mechanical stenography;  
transcript produced with aid of computer.)

1 (Defendant Present, in Custody)

2 THE CLERK: All rise. Court is again in  
3 session, the Honorable Robert S. Lasnik presiding.

4 THE COURT: Good afternoon. Thank you. Please  
5 be seated.

6 THE CLERK: Case CL12-001, *United States versus*  
7 *Timothy Doran*.

8 Counsel, would you please make your appearances.

9 MR. FRIEDMAN: Good afternoon, Your Honor.  
10 Andrew Friedman for the United States.

11 THE COURT: Hi, Mr. Friedman.

12 MR. GOLDSMITH: Good afternoon, Your Honor.  
13 Robert Goldsmith for Timothy Doran.

14 THE COURT: Hi, Mr. Doran.

15 Okay. I've got a request from Mr. Goldsmith, a  
16 Motion to Withdraw as Counsel. Mr. Goldsmith, I take it  
17 we should talk about this outside the presence of  
18 Mr. Friedman?

19 MR. GOLDSMITH: You take that correctly, Your  
20 Honor.

21 THE COURT: Mr. Friedman, always nice to see you  
22 for brief glimpses.

23 MR. FRIEDMAN: Thank you, Your Honor.  
24 (Mr. Friedman left the courtroom)

25 THE COURT: So the courtroom is closed. The

1 court reporter's notes shall be sealed from this point,  
2 until I tell you otherwise.

3 All right. You have the floor, Mr. Goldsmith.

4 MR. GOLDSMITH: Well, Your Honor, I think the  
5 relationship with Mr. Doran has reached the point where  
6 we're basically not getting along, not communicating very  
7 well. We don't -- we disagree on a number of issues, and  
8 I think we're kind of at a loggerhead at this point.

9 THE COURT: Well, could I ask you what the  
10 issues are? Because some are more important than others.

11 MR. GOLDSMITH: I realize that. Well, I would  
12 prefer if Mr. Doran would --

13 THE COURT: Sure. Mr. Doran?

14 THE DEFENDANT: Yes, Your Honor. I appreciate  
15 the opportunity you gave me last time to try to work  
16 things out with Mr. Goldsmith. It's nothing personal.  
17 Sometimes client and counsel just don't see eye to eye.

18 My concerns are with the severity of the charges that  
19 the government's going to bring and the amount of -- the  
20 amount of research and investigation that's going to be  
21 needed to be done to be able to prove my innocence  
22 against what they're alleging, which if I don't have it,  
23 it's going to cost me my children and a very good chunk  
24 of my life. There's been pertinent vital information  
25 that has been lost, because it wasn't gathered timely,

1 and I just feel that there definitely needs to be a lot  
2 more time devoted to this case to be able to gather  
3 everything to be able to present a proper and adequate  
4 defense on Mr. Goldsmith's behalf.

5 He doesn't see eye to eye with me on that, and I  
6 understand that, so I would -- I've made it no secret  
7 from him. We discussed it before that I've talked with  
8 other lawyers to get second opinions, and I'd like to  
9 just -- if we can just understand that it's not working  
10 between us and be able to move on to someone else that's  
11 going to be able to put in the time that's going to be  
12 needed to do it.

13 THE COURT: Are you intending to retain another  
14 lawyer?

15 THE DEFENDANT: No. I don't have funds to be  
16 able to do it.

17 THE COURT: So why are you talking to other  
18 lawyers if they're not going to handle your case?

19 THE DEFENDANT: There's other lawyers that I've  
20 asked second opinions for based on the information that I  
21 received, and there's another lawyer that -- a couple of  
22 other lawyers that have -- based on the information that  
23 I've given them and the research that they've done into  
24 the case, that they're extremely interested in taking the  
25 case. They're CJA attorneys that they've offered to

1 appoint themselves as counsel just as Mr. Goldsmith did.  
2 Like I explained when I came before you in March,  
3 Mr. Goldsmith was not appointed. He appointed himself  
4 when I turned myself in.

5 THE COURT: I didn't know you had that power,  
6 Mr. Goldsmith.

7 MR. GOLDSMITH: I think there's a misconception.

8 THE COURT: So who are the lawyers who want to  
9 appoint themselves for you?

10 THE DEFENDANT: Nicholas Marchi and Paula Olson  
11 before had expressed interest. She's too busy at this  
12 point, but I've had several conversations with  
13 Mr. Marchi, and he told me just on Tuesday that he would  
14 be willing to take the case if he would be appointed.

15 THE COURT: So are you saying that your -- the  
16 communication between you and Mr. Goldsmith has gotten to  
17 the point that you don't think you can trust him as your  
18 lawyer anymore?

19 THE DEFENDANT: I think that the communication  
20 and the trust factor. And it probably works on both  
21 sides. I mean, it's just to a point where we're now  
22 in -- we butt heads too much on what I feel is important  
23 for my defense and what Mr. Goldsmith feels is important  
24 for my defense and -- but the things that I'm asking for  
25 are things that hold all the weight to proving my

1 innocence in the allegations that the government is  
2 bringing against me, so --

3 THE COURT: Well, let's be clear about one  
4 thing. When you say the allegations the government is  
5 bringing against you, are you talking about the crime  
6 you're charged with, or are you talking about the stuff  
7 over in Vietnam?

8 THE DEFENDANT: The stuff over in Vietnam, yes,  
9 sir. Like I said before, if it was just the initial  
10 indictment charge, I would have pled guilty to that back  
11 in January when I first came to court, and -- and we both  
12 know that is not the government's case.

13 THE COURT: And I take it, Mr. Goldsmith, that  
14 your -- part of the problem here is you're saying, "Look,  
15 the government can't prove what happened in Vietnam, and  
16 the judge is more likely to consider the crime that's  
17 here and what you've pled to, and we should focus our  
18 attention on that"?

19 MR. GOLDSMITH: I have given advice along that  
20 line, not inconsistent with that.

21 THE COURT: I don't know where you think --  
22 Mr. Goldsmith already asked for funds for an investigator  
23 to look into some of this, and I almost didn't approve  
24 that, but I approved -- or what did I approve,  
25 Mr. Goldsmith? A couple of thousand dollars?

1 MR. GOLDSMITH: Eight hundred initially, and  
2 then you approved another thousand.

3 THE COURT: And that's it. I'm not going to  
4 approve money for somebody to go over to Vietnam and do  
5 investigations and stuff like that.

6 THE DEFENDANT: I understand that.

7 THE COURT: So I don't know what you expect your  
8 lawyer to do that you're not paying for and that the --  
9 you know, that I control the valve on how far this valve  
10 gets opened and this -- you know, this is not going to be  
11 a trial about what happened over there.

12 THE DEFENDANT: I understand it's not going to  
13 be a trial about what happened over there, but the  
14 government is going to bring all this evidence or what  
15 they feel is their evidence to you at sentencing to try  
16 to enhance my sentence, and if I don't have the right to  
17 be able to gain the information of the evidence to be  
18 able to disprove -- they have a very one-sided view of  
19 what -- the picture that they have of what happened, and  
20 it is entirely not that way.

21 I hope you're going to understand what I'm going to  
22 say right now. I've told Mr. Goldsmith from the very  
23 beginning the version of what happened over there, and I  
24 understand that in his line of work he gets people that  
25 sit across the desk from him every single day and lie

1 about, "I didn't do this. I'm innocent." All I want is  
2 I want the information and the evidence that is not that  
3 hard to gather to be gathered before I enter a plea and  
4 hope that it -- that if it hasn't been gained in the last  
5 120 days, that it's going to be gained in the next 90  
6 days.

7 I just -- I'm going to lose my children and -- and my  
8 life and -- and be -- and be hung with this crime over  
9 there that the government has only one side of it.  
10 There's already enough people that have come forward that  
11 have said the complete other side of it, and all I want  
12 is -- is to be able to show that to you so that you can  
13 understand.

14 THE COURT: What do you mean by "show"? What  
15 steps did you want Mr. Goldsmith to take that he didn't  
16 take? I mean, are you talking about getting witnesses,  
17 or are you talking about getting records? You don't have  
18 to tell me the facts --

19 THE DEFENDANT: Records, yes.

20 THE COURT: Records. Okay. Records that exist  
21 over there?

22 THE DEFENDANT: Over there and over here. But  
23 the records that exist over here were lost for a better  
24 lack of --

25 THE COURT: Okay. All right. That's enough.



1 THE DEFENDANT: But it's not that they can't be  
2 regained. It's just --

3 THE COURT: All right.

4 THE DEFENDANT: -- I have a lot of  
5 questions about --

6 (The Defendant and his Counsel conferred off the record.)

7 THE COURT: Press that little button on the  
8 microphone there.

9 Mr. Goldsmith, I've heard from Mr. Doran. Is there  
10 anything you want to say?

11 MR. GOLDSMITH: I think one of our biggest  
12 disagreements is the timing of certain actions that I  
13 take. That's been -- I'm sure Mr. Doran -- correct me if  
14 I'm wrong. It's a timing thing. As you've heard now,  
15 the bigger issue is the sentencing hearing, and a lot of  
16 what we want to go after really has to do with getting  
17 reports, so to speak, and other material that's pertinent  
18 to that sentencing. Until such time as the sentencing is  
19 scheduled, I'm not sure I can subpoena things or make  
20 that kind of motion to this Court to get those things,  
21 because it's premature, and that's been our disagreement.

22 THE COURT: And that's what I figured. And it  
23 is premature. What you're doing is you're saying to me,  
24 "I'm not going to plead guilty until I get everything I  
25 need to defend myself at sentencing," and from where I'm

1 sitting, that's backwards. If you really want -- if  
2 you're really not contesting the crime, plead guilty to  
3 the crime. I'll set a sentencing date out there. It  
4 gives you something to work towards. If you need  
5 additional time, and you make a showing of why you need  
6 additional time, I continue the sentencing, and we talk  
7 about what we need for the sentencing.

8 But right now we're talking about trials, we're  
9 talking about trial dates, we're talking about witnesses  
10 subpoenaed to prove the case against you, and as long as  
11 you continue to jack around the United States Attorney's  
12 Office by not pleading guilty and firing your lawyer and  
13 causing continuances and things like that, you're just  
14 spinning your wheels.

15 THE DEFENDANT: And, Your Honor, I don't want it  
16 to seem like that.

17 THE COURT: But that's what it seems like.

18 THE DEFENDANT: But it is not that at all. Like  
19 I stated in the motion that I wrote up and the letter  
20 that I -- I gave to Mr. Goldsmith, I do not want it to  
21 seem that I'm wasting the Court's time. All I'm trying  
22 to do is gather the evidence that -- the evidence was  
23 here, okay? And the main problem that I have is that the  
24 evidence was here, and -- and I gave him access to be  
25 able to get the evidence, and he didn't do it for three

1 weeks. And then it was my fault, because I made a phone  
2 call requesting somebody else to retrieve it on the FDC  
3 phone, and it was gone the next day.

4 So all I'm asking is that the information -- it  
5 proves everything that I'm saying, and there's --  
6 there's -- he's already submitted a subpoena for the  
7 other information, but the government agency that he  
8 submitted the subpoena is blocking it, so I asked for you  
9 to write a letter. They can't block a judge. They can  
10 block a lawyer, but they can't block a judge.

11 If I don't have this and the prosecution comes in and  
12 paints this horrible picture that they're going to paint  
13 of me, then if I don't have evidence to be able to show  
14 that that's not the case, then you're going to slam me,  
15 because you think that I wasted the Court's time, and  
16 that I jerked around the prosecutors, and that's not what  
17 it is, Your Honor. Not at all.

18 I'm fighting for my life here. I'm fighting for the  
19 fact that I'm a father. It's been 15 years since I was  
20 released from prison, and I don't have anything more than  
21 a traffic ticket. I'm a father. I'm not an ex-con. I  
22 don't pose a threat to anybody in any way, shape or form,  
23 and all I'm asking for is you to understand that I'm  
24 fighting to be able to prove that.

25 THE COURT: Well, all I ask you to understand is

1 that you may not be in the best position to know how to  
2 best handle this, and you should trust the people who  
3 have the expertise in this area. Okay?

4 THE DEFENDANT: Can I ask you one question,  
5 which is extremely important? How do you know about the  
6 issue in Vietnam?

7 THE COURT: Because when Mr. Goldsmith made a  
8 request for these funds, I needed to know what is this  
9 about.

10 THE DEFENDANT: Really? Because Mr. Goldsmith  
11 has told me the whole time that you knew nothing about  
12 this, and when I wanted to raise issues about being able  
13 to get information over there, he told me never to tell  
14 you anything about that. That's why it's such a very  
15 huge surprise, a slap in the face to me today. And when  
16 I --

17 THE COURT: Well, when there's a request for  
18 funds of this nature, I have to know what is this all  
19 about.

20 THE DEFENDANT: I understand that, Your Honor.  
21 I completely understand that. But I've asked repeatedly  
22 about -- about what information -- there's information  
23 that the prosecutors now have that I only talked with him  
24 about. There are things that I've asked him to do, and  
25 he has refused to do it. There are threats that -- we

1 might as well just -- would you like to read the motion  
2 that I have?

3 THE COURT: Not really, no.

4 THE DEFENDANT: Not at all?

5 THE COURT: Yeah.

6 Okay. I'm going to give you a new lawyer. And, you  
7 know, I don't know where we're headed on this, but we're  
8 going to keep the trial date, and then we'll see your new  
9 lawyer come in and -- what's the trial date now? June  
10 4th?

11 THE CLERK: June 4th.

12 THE COURT: And if your new lawyer -- we can --  
13 Kerry, why don't you call over to Natalie?

14 Do you see any reason, Mr. Goldsmith, why Mr. Marchi  
15 couldn't be the lawyer?

16 MR. GOLDSMITH: I don't know him, so --

17 THE COURT: He's a good guy.

18 MR. GOLDSMITH: It's news to me that he was  
19 contacted, so I don't know what was said.

20 THE COURT: Okay. We'll call Natalie and the  
21 CJA people, and Mr. Goldsmith will be allowed to withdraw  
22 once we have a new lawyer appointed for you.

23 Kerry, you want to bring Mr. Friedman back in?

24 MR. GOLDSMITH: Your Honor, I did submit a  
25 proposed order with that motion.

1 THE COURT: I've got it right here.

2 (Mr. Friedman returned to the courtroom)

3 THE COURT: We're back on the record, and  
4 Mr. Friedman has re-entered the courtroom.

5 Mr. Friedman, I believe there is a breakdown in the  
6 attorney-client relationship between Mr. Doran and  
7 Mr. Goldsmith, and that Mr. Goldsmith's request with  
8 Mr. Doran's concurrence I am allowing withdrawal by  
9 Mr. Goldsmith, and have signed an order to that effect.

10 I am not changing the trial date of June 4th, and  
11 when we get a new CJA lawyer on board, that person  
12 should -- if we need a status conference, we'll have a  
13 status conference.

14 You know, I don't think I'm speaking out of school  
15 when I tell you that Mr. Doran reiterated that it's not  
16 his intention to cause undue expense, delay, et cetera.  
17 That he's never been talking about the issue of guilt or  
18 innocence; he's talking about the issue of punishment and  
19 sentencing. So just for your edification, not to worry  
20 about gearing up the witnesses just yet, but we'll wait  
21 until there's a new lawyer on board.

22 MR. FRIEDMAN: Thank you, Your Honor.

23 THE COURT: All right. Anything else?  
24 Mr. Goldsmith, thank you for your service on the case.

25 MR. GOLDSMITH: Thank you, Your Honor.

1 THE COURT: Anything else, Mr. Doran?  
2 THE DEFENDANT: No, sir.  
3 THE COURT: Okay. We'll be adjourned.  
4 (End of Proceedings)

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C E R T I F I C A T E

STATE OF WASHINGTON)

) ss.

County of King )

I, the undersigned Notary Public in and for the State of Washington, do hereby certify:

That the foregoing verbatim transcript of proceedings was transcribed under my direction; that the transcript is a full, true and complete transcript of the testimony of said witness, including all questions, answers, objections, motions and exceptions;

That I am not a relative, employee, attorney or counsel of any party to this action or relative or employee of any such attorney or counsel, and that I am not financially interested in the said action or the outcome thereof;

That I am herewith securely sealing and digitally signing this transcript and delivering the same via electronic filing to the Clerk of the Court.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 21st day of December, 2014.

/S/ Leslie Waltzer  
Notary Public in and for the State  
of Washington, residing at Issaquah